

**Remarks**

Applicant has amended claims 26 and 28. Claims 26-31 are pending. Reconsideration of the claims is requested.

The Office Action mailed September 5, 2002 has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested.

**Rejection Under 35 U.S.C. §112, (first paragraph)**

Claims 26-31 were rejected under 35 U.S.C. §112, first paragraph. Applicant has amended claims 26-31, specifically, claims 26 and 28, to better clarify that a buoy wrap and a buoy cap are items that are removable from and replaceable on a buoy.

The Examiner questions the structure of a "buoy wrap." The term "buoy wrap" is descriptive of the item, that is, a buoy wrap is a flexible item that can be wrapped and unwrapped from around a buoy. Likewise, a "buoy cap" is descriptive for the item, that is, a buoy cap is an item, either flexible or not, that can be mounted on and removed from a buoy.

Applicant believes the term "buoy wrap" is not unclear, and that one of ordinary skill in the marine products art would know how to make and/or use a buoy wrap. Withdrawal of this rejection is requested.

**Rejections Under 35 U.S.C. §103**

Claims 26-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,856,219 (Severence et al.), in view of U.S. Patent No. 5,424,006 (Murayama et al.). Applicant respectfully disagrees.

The teachings of Severence et al. and Murayama et al. have been previously discussed. Claims 26 and 28 have been amended to clarify that the marine device of the pending claims is a phosphorescent item that is removable from and replaceable onto a buoy.

The bulbs 22, of Severence et al., are coated with a luminescent material. Removal of bulbs 22 from float 10 will result in float 10 not being able to float or remain sufficiently buoyant. Bulbs 22 can be removed from float 10, but without bulbs 22, float 10 will not float. One would not remove that portion of the floating object that makes the object float and expect

U.S. Serial No. 09/778,973

to have a suitable floating object. The phosphorescent item of the pending claims is one that can be removed from a buoy and the buoy maintains its buoyancy. There is no disclosure or suggestion in Severence et al. of having a phosphorescent item that can be removed from a buoy or float and have the buoy or float still float after removal of the phosphorescent item.

Murayama et al. teaches a phosphorescent phosphor compound that can be an indicator for a fishing buoy. There is no teaching or suggestion in Murayama et al. that a phosphorescent item can be mountable onto and removable from a buoy. Murayama et al. does not remedy all the deficiencies of Severence et al.

Applicant asserts that neither reference, nor their combination, teaches or suggests all of the elements of the pending claims. Withdrawal of this rejection is requested.

#### SUMMARY

Applicants submit that the claims are in proper form for allowance and respectfully request reconsideration and allowance thereof. A Notice of Allowance is requested.

Attached is a marked-up version of the amendments made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

The Examiner is invited to contact the undersigned representative if it will facilitate prosecution of this application.

Respectfully Submitted,

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Date: 5 December 2002 By

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 26 and 28 were amended as follows:

26. (Twice Amended) A phosphorescent marine device for mounting on a buoy, the marine device removable from and replaceable on the buoy:

- the device selected from the group consisting of a buoy cap and a buoy wrap;
- the device including a phosphorescent phosphor such that substantially the entire surface of the device is phosphorescent;

wherein, the phosphorescent phosphor comprises  $MA_2O_4$  wherein M is at least one cation selected from a group consisting of calcium, strontium, and barium, wherein the phosphor comprises 0.001% to 10% of a europium activator, and wherein the phosphor comprises 0.001% to 10% of at least one dopant selected from the group consisting of lanthanum, cerium, praseodymium, neodymium, samarium, gadolinium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, tin and bismuth as a co-activator, in terms of mol % relative to by M.

28. (Twice Amended) A phosphorescent device for mounting on a buoy, the marine device removable from and replaceable on the buoy:

- the device selected from the group consisting of a buoy cap and a buoy wrap;
- the device including a phosphorescent phosphor such that substantially the entire device is phosphorescent;

wherein, the phosphorescent phosphor has an afterglow corresponding to a luminance of at least  $0.3 \text{ mCd/m}^2$  for at least about 420 minutes.